

Date: November 18, 2009
W.I.: 1512
Referred by: PAC
Revised: 12/16/09-C

Attachment A
Resolution No. 3925

New Surface Transportation Authorization Act

Cycle 1 STP/CMAQ Project Selection Criteria and Programming Policy

**Representing
FY 2009-10, FY 2010-11, and FY 2011-12**

Cycle 1 STP/CMAQ Policy and Programming

Table of Contents

<u>BACKGROUND</u>	<u>11</u>
<u>NEW ACT FUND ESTIMATE</u>	<u>11</u>
<u>CYCLE 1 PROGRAMMING APPROACH</u>	<u>22</u>
<u>GENERAL PROGRAMMING POLICIES</u>	<u>33</u>
<u>PROGRAMMING CATEGORIES</u>	<u>88</u>
<u>PROGRAM MANAGEMENT AND THE CONGESTION MANAGEMENT AGENCY BLOCK GRANT</u>	<u>141</u>
<u>PROGRAM SCHEDULE</u>	<u>171</u>
<u>PROJECT LIST</u>	<u>171</u>
Appendix A-1	STP/CMAQ/TE with ARRA Backfill (CMIA/RTIP/TE) Outlay
Appendix A-2	Cycle 1 Program and Policies Summary
Appendix A-3	Regional Planning Activities (PL)
Appendix A-4	Freeway Performance Initiative (FPI) Project List
Appendix A-5	Safe Routes to School
Appendix A-6	Regional Bicycle Program (RBP)
Appendix A-7	Transportation for Livable Communities (TLC)
Appendix A-8	Local Streets & Roads (LS&R) Shortfall Program Fund Distribution
Appendix A-9	CMA Block Grant Program

BACKGROUND

With the close of SAFETEA on September 30, 2009, an overall architecture is called for to guide upcoming programming decisions for the new six-year surface transportation authorization act (New Act) funding. The Cycle 1 Project Selection Criteria and Programming Policy guides the programming of the first three year increment of federal funding (FY 2009-10, FY 2010-11 and FY 2011-12) and establishes the overall framework and funding estimate for the final three years (FY2012-13 through FY2014-2015). Until this legislation is enacted, the next one or two years of funding will be authorized through extensions of the current act and its programs and the future funding programs will likely overlap to a large extent with projects that are currently eligible for funding under Title 23 of the United States Code.

MTC receives a share of federal funding for local programming. Among the various transportation programs established by SAFETEA, the Commission has discretion over regional Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement (CMAQ) Program funds. The *New Surface Transportation Authorization Act Cycle 1 STP/CMAQ Project Selection Criteria and Programming Policy* outlines how the region proposes to use these funds for transportation needs in the MTC region and to implement the strategies and objectives of the Regional Transportation Plan, also referred as Transportation 2035 (T2035). T2035 is the Bay Area's comprehensive roadmap to guide transportation investments in mass transit, highway, airport, seaport, bicycle and pedestrian projects over 25 years. The programs recommended for funding under the Cycle 1 Project Selection Criteria and Programming Policy are an outgrowth of the transportation needs specifically identified by T2035.

NEW ACT FUND ESTIMATE

Without a new federal surface transportation authorization act, MTC can only make preliminary estimates of revenues. Therefore, as in the past, MTC will reconcile revenue levels following enactment of the New Act, and also address any changes in eligibility of revenue categories. It is estimated that roughly \$1.4 billion is available for programming over the New Act period consisting of the following components.

STP/CMAQ and Transportation Enhancement (TE) Funds: \$1.1 billion is available over the New Act, assuming a 4% growth rate, consistent with projections for T2035. Specifically the STP/CMAQ/TE programming capacity over Cycle 1 amounts to \$485 million dollars, which is the subject of this Commission Action. This amount includes \$22 million of Transportation Enhancement Funds, which will be programmed through the Regional Transportation Improvement Program (RTIP).

American Recovery and Reinvestment Act (ARRA) Backfill funding: The region will also be the beneficiary of \$105 million in Regional Transportation Improvement Program/ Corridor Mobility Improvement Account (RTIP/CMIA) bond funding capacity as well as \$7.5 million in TE for programming consideration as a result of recent ARRA programming activities.

“Anticipated” Funding: Further, \$235 million is identified as “anticipated” over the six year period, which represents the additional increment of funding consistent with the House Transportation and Infrastructure Committee \$500 billion proposal for authorization (10% growth rate). Staff recommends programming the first three years of

this amount (estimated to \$60 million) under Cycle 1 should apportionments come in higher, once the New Act is authorized. Any increment realized would be allocated proportionately among the programs using the overall framework amounts shown under “anticipated revenue” as a guide and be taken to the Commission for approval. This approach applies only up to \$235 million in revenues over the New Act period. Any revenue exceeding this amount is to be discussed further by the Partnership and other transportation stakeholders and ultimately is up to the discretion of the Commission.

New Act "Anticipated Funds" Distribution

(millions \$s)

T 2035 Core Programs	Revenue Shares	Fund Amount
Freeway Performance Initiative (FPI)	13%	31
Climate Initiatives	20%	48
Regional Bicycle Program	8%	19
Transportation for Livable Communities (TLC)	18%	42
Transit Capital Rehabilitation	17%	39
Local Streets and Roads Rehabilitation*	23%	55
Total	100%	235

CYCLE 1 PROGRAMMING APPROACH

Resolution 3925 establishes an overall framework for this \$1.4 billion in new funding spanning the six-year new surface transportation authorization act. As a starting point for determining Cycle 1 program commitments over the first three years of the six year New Act period, staff discussed with the Partnership the full six-year range of revenues and program needs to pinpoint program issues such as delivery schedules and when the programs’ greatest needs occur, with an objective towards balancing needs over both the Cycle 1 (FY 2009-10, FY 2010-11, and FY 2011-12) and Cycle 2 (FY 2012-13, FY 2013-14, and FY 2014-15) periods. The overall six year framework is presented in Appendix A-1 showing revenues and program outlays for this \$1.4 billion in new funding

While staff is presenting this overall programming framework, the Commission is being requested to adopt funding commitments for the first three-year period of as part of this resolution (Cycle 1, ARRA Backfill, and initial contingency priorities for “anticipated” revenues). In approximately two years, the Partnership and Commission will revisit the final three years of programming as laid out by the overall policy framework, once the new transportation authorization act has been enacted giving the region the opportunity to assess developments in revenue, new program requirements and regulations; and individual program issues

Programming of “anticipated” funding will await federal authorization legislation which will establish authorization levels and the availability of this funding increment. Then this resolution

will be revised by the Commission to provide this funding to T2035 core programs as designated in these Cycle 1 STP/CMAQ policies.

GENERAL PROGRAMMING POLICIES

1. **Public Involvement.** MTC is committed to a public involvement process that is proactive and provides comprehensive information, timely public notice, full public access to key decisions, and opportunities for continuing involvement. MTC provides many methods to fulfill this commitment, as outlined in the *MTC Public Participation Plan*, Resolution No. 3821. The Commission's adoption of the STP/CMAQ Cycle 1 program, including policy and procedures meet the provisions of the *MTC Public Participation Plan*. MTC's advisory committees and the Bay Area Partnership have been consulted in the development of funding commitments and policies for this program; and opportunities have been provided to other stakeholders and members to comment.

Furthermore, investments made in the STP/CMAQ program must be consistent with federal Title VI requirements. Title VI prohibits discrimination on the basis of race, color, income, and national origin in programs and activities receiving federal financial assistance. Public outreach to and involvement of individuals in low income and minority communities covered under Title VI of the Civil Rights Act and the Executive Order pertaining to Environmental Justice is critical to both local and regional decisions. Additionally, when asked to select projects for funding at the county level, CMAs must consider equitable solicitation and selection of project candidates in accordance with federal Title VI requirements.

2. **2009 Transportation Improvement Program (TIP).** Projects approved as part of the Cycle 1 STP/CMAQ program must be amended into the 2009 TIP. The federally required TIP is a comprehensive listing of all San Francisco Bay Area transportation projects that receive federal funds, and/or are subject to a federally required action, such as federal environmental clearance, and/or are regionally significant for air quality conformity or modeling purposes.
3. **Minimum Grant Size.** STP/CMAQ grants per project cannot be programmed for less than \$500,000 for counties with a population over 1 million (Alameda, Contra Costa, and Santa Clara counties) and \$250,000 for counties with a population under 1 million (Marin, Napa, San Francisco, San Mateo, Solano, and Sonoma counties). CMAs may request exceptions through the strategic plan process, especially when balancing the objective of using the Local Streets and Roads distribution formula. The objective of this requirement is to minimize the number of federal-aid projects, which place administrative burdens on project sponsors, MTC, Caltrans, and Federal Highway Administration staff.
4. **Commission Approval of Programs and Projects.** Federal funds are not accessible to a project sponsor unless they are included or "programmed" in the Transportation Improvement Program (TIP). The following steps lead up to the final TIP programming action by the Commission, which constitutes the final approval of funding to a program or project:
 - a) Program Development including the development of objectives, eligibility criteria, and program rules. With the exception of indivisible projects/programs where no subsequent project selection occurs, many programs will require the subsequent

selection of a set of projects that meet the program rules and criteria. In this case, staff further develops federal funding programs in cooperation with the Partnership including public input; and takes the final program policy/rules or any subsequent revisions to the Commission for approval.

b) Selection of Projects: A program and its policies, which are approved by the Commission, govern the selection of projects. Attachment B, "Project List", to Resolution 3925 sets forth the programs and projects to be funded under the Cycle 1 Programming Policy. Depending on project selection responsibility, there are two scenarios:

- Outside agency staff and their governing boards (i.e. Congestion Management Agencies) manage a project selection process. For example, responsibility for project selection for a given Cycle 1 funding program (i.e. County TLC Program, Local Streets and Roads Rehabilitation Shortfall Program, Regional Bicycle Program) is assigned to Congestion Management Agencies (CMAs). In this case, the Commission will revise the TIP to include the resulting projects; and Attachment B may be amended by MTC's Executive Director to reflect these revisions.
- MTC staff and the Commission manage a project selection process. For example, responsibility for the project selection for a given Cycle 1 funding program (i.e. Regional TLC Program, Climate Initiatives) where responsibility for project selection in the framework of a Cycle 1 funding program is assigned to MTC, TIP amendments and a revision to Attachment B will be taken to the Commission for its review and approval.

c) TIP Revisions: All projects selected for funding in the Cycle 1 program must be in the TIP. Therefore, MTC will take action on each project as the funds are included in a TIP or any subsequent revision to a TIP project listing. MTC's Executive Director may update Attachment B to reflect approval of the funds in the TIP.

5. **Air Quality Conformity.** In the Bay Area, it is the responsibility of MTC to make an air quality conformity determination for the TIP in accordance with federal Clean Air Act requirements and Environmental Protection Agency (EPA) conformity regulations. MTC evaluates the impact of the TIP on regional air quality during the biennial update of the TIP. Since the 2009 air quality conformity finding has been completed for the 2009 TIP, no non-exempt projects that were not incorporated in the finding will be considered for funding in the Cycle 1 Program until the development of the 2011 TIP during spring 2010. Additionally, the U.S. Environmental Protection Agency designated the Bay Area as a non-attainment area for PM 2.5 starting December 14, 2009. Within 12 months of effective date of this classification, based on consultation with the MTC Air Quality Conformity Task Force, projects deemed "Projects of Air Quality Concern" must complete a hot-spot analysis required by the Transportation Conformity Rule. Generally Projects of Air Quality Concern are those projects result in significant increases in the number of or emissions from diesel vehicles.

6. **Environmental Clearance.** Project sponsors are responsible for compliance with the requirements of the California Environmental Quality Act (Public Resources Code

Section 21000 et seq.), the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.), and the National Environmental Protection Act (42 USC Section 4-1 et seq.) standards and procedures for all projects with Federal funds.

7. **Application, Resolution of Local Support.** Project sponsors/ implementing agencies must submit a completed project application for each project proposed for funding through MTC's Funding Management System (FMS). The project application consists of two parts: 1) an application submittal and/or TIP revision request to MTC staff and 2) Resolution of Local Support approved by the project sponsor/ implementing agency's governing board or council. A template for the resolution of local support can be downloaded from the MTC website using the following link:
http://www.mtc.ca.gov/funding/STPCMAQ/STP_CMAQ_LocalSupportReso.doc
Sponsors of projects that have previously received STP/CMAQ or State Improvement Program (STIP) funds may rely on the prior Resolution of local support prepared for the same project, provided that the project scope remains unchanged.

8. **Project Screening and Compliance with Regional and Federal Requirements.** MTC staff will perform a review of projects proposed for the Cycle 1 STP/CMAQ Program to ensure 1) eligibility; 2) RTP consistency; and 3) project readiness. In addition, project sponsors must adhere to directives such as "Complete Streets" (MTC Routine Accommodations for Bicyclists and Pedestrians); and the Regional Project Funding Delivery Policy as outlined below; and provide the required non-federal matching funds. Project sponsors should note that fund source programs, eligibility criteria, and regulations may change as a result of the passage of new surface transportation authorization legislation. In this situation, MTC staff will work to realign new fund sources with the funding commitments approved by the Commission.

- **Federal Project Eligibility:** STP has a wide range of projects that are eligible for consideration in the TIP. Eligible projects include, federal-aid highway and bridge improvements (construction, reconstruction, rehabilitation, resurfacing, restoration, and operational), mitigation related to an STP project, public transit capital improvements, pedestrian, and bicycle facilities, and transportation system management, transportation demand management, transportation control measures, surface transportation planning activities, and safety. More detailed eligibility requirements can be found in Section 133 of Title 23 of the United States Code.

CMAQ funding applies to new or expanded transportation projects, programs, and operations that help reduce emissions. Eligible project categories that meet this basic criteria include: Transportation activities in approved State Implementation Plan (SIP), Transportation Control Measures (TCMs), public-private partnerships, alternative fuels, traffic flow improvements, transit projects (facilities, vehicles, operating assistance up to three years), bicycle and pedestrian facilities and programs, travel demand management, outreach and rideshare activities, telecommuting programs, intermodal freight, planning and project development activities, Inspection and maintenance programs, magnetic levitation transportation technology deployment

program, and experimental pilot projects. For more detailed guidance see the *CMAQ Program Guidance* (FHWA, November 2008).

- ▶ RTP Consistency: Projects included in the Cycle 1 STP/CMAQ Program must be consistent with the adopted Regional Transportation Plan (RTP), according to federal planning regulations. Each project included in the Cycle 1 Program must identify its relationship with meeting the goals and objectives of the RTP, and where applicable, the RTP ID number or reference.
- ▶ Complete Streets (MTC Routine Accommodations of Pedestrians and Bicyclists) Policy: Federal, state and regional policies and directives emphasize the accommodation of bicyclists, pedestrians, and persons with disabilities when designing transportation facilities. MTC's Complete Streets policy (Resolution No. 3765) created a checklist that is intended for use on projects to ensure that the accommodation of non-motorized travelers are considered at the earliest conception or design phase. The county Congestion Management Agencies (CMAs) ensure that project sponsors complete the checklist before projects are submitted to MTC. CMAs are required to make completed checklists available to their Bicycle and Pedestrian Advisory Committee (BPAC) for review prior to project programming in the TIP. Other state policies include, Caltrans Complete Streets Policy Deputy Directive 64 R1 which stipulates: pedestrians, bicyclists and persons with disabilities must be considered in all programming, planning, maintenance, construction, operations, and project development activities and products and SB 1358 California Complete Streets Act, which requires local agency general plan circulation elements to address all travel modes.
- ▶ Regional Project Delivery Policy. Cycle 1 STP/CMAQ funding is available in the following three fiscal years: FY 2009-10, 2010-11, and 2011-12. Funds may be programmed in any one of these years, conditioned upon the availability of obligation authority (OA). This will be determined through the development of an annual obligation plan, which is developed in concert with the Partnership and project sponsors. However, funds MUST be obligated in the fiscal year programmed in the TIP, with all Cycle 1 funds to be obligated no later than April 30, 2012. Specifically, the funds must be obligated by FHWA or transferred to Federal Transit Administration (FTA) within the federal fiscal year that the funds are programmed in the TIP.

All Cycle 1 funding is subject to the Regional Project Funding Delivery Policy and any subsequent revisions (MTC Resolution No. 3606). Obligation deadlines, project substitutions and redirection of project savings will continue to be governed by the MTC Regional Project Funding Delivery Policy, which enforces fund obligation deadlines, and project substitution for STP and CMAQ funds. All funds are subject to award, invoicing and project close out requirements. Project sponsors must sign project supplementary agreements and award construction contracts within six months of obligation; and subsequently request reimbursements every six-twelve months to keep grants active. The failure to meet these deadlines will result in the deobligation of any unexpended fund balances for the project.

- ▶ Local Match. Projects funded with STP or CMAQ funding requires a non-federal local match. Based on California's share of the nation's federal lands, the local match for STP and CMAQ is 11.47% of the total project cost. The FHWA will reimburse up to 88.53% of the total project cost. Project sponsors are required to provide the non-federal match, which is subject to change.
- ▶ Fixed Program and Specific Project Selection. Projects are chosen for the program based on eligibility, project merit, and deliverability within the established deadlines. The regional STP/CMAQ program is project specific and the STP and CMAQ funds programmed to projects are for those projects alone. The STP/CMAQ Program funding is fixed at the programmed amount; therefore, any cost increase may not be covered by additional STP and CMAQ funds. Project sponsors are responsible for securing the necessary non-federal match, and for cost increases or additional funding needed to complete the project including contingencies.
- ▶ Priority Development Areas (PDA) Based Funding Decisions: In Transportation 2035, the Commission's transportation/land use and climate change policies seek to align "focused growth" land use principles and transportation investments. As part of the ARRA program adoption last February, the Commission directed staff to begin developing a PDA investment strategy in advance of the new federal authorization. As it relates to the New Act programming, the following policies support PDA based funding strategies:
 - *Transportation for Livable Communities*: All TLC projects must be located in priority development areas with additional weight given in project evaluation depending on whether the projects are in planned or proposed PDAs and based on proposed development intensity.
 - *Climate Initiatives*: For the Innovative Grant element of the Climate Initiative, priority will be given to projects that are in PDAs, in addition to other program criteria and weighting factors.
 - *Rehabilitation – Streets and Roads and Transit*: The current distribution formula prioritizes funding for local jurisdictions that are considered high-intensity PDAs. The allocation formula for streets and roads rehabilitation contains four factors, weighted 25% each, including population, lane mileage, arterial and collector shortfall, and preventive maintenance performance. The population and lane mileage factors result in the support of PDAs. To ensure this PDA emphasis, CMAs should, in general, use the same allocation formula for streets and roads distribution within the counties. The CMAs, through a required Strategic Plan, may propose some modifications, including deferring some jurisdiction programming to Cycle 2 or using local funds, to address the competing objective of adhering to federal grant minimums.

PROGRAMMING CATEGORIES

The below table presents the New Act, Cycle 1 STP/CMAQ Program commitments followed by their program descriptions. In October the Commission approved STP/CMAQ funding for Regional Planning and Regional Operations programs, which was directed to continuing the on-going programs from SAFETEA that have a basis in the needs identified in Transportation 2035. Specific programs, projects and their Cycle 1 funding amounts are listed in Attachment B, including anticipated Cycle 2 commitments for information purposes. Additionally Appendix A-2 presents the specifics on the schedules of the various programs under the Cycle 1 STP/CMAQ program.

Cycle 1 Funding Summary (millions \$, rounded)

Program Categories	ARRA Backfill TE/RTIP/CMA Commitments	STP/CMAQ Commitments	3-year Total
1. SAFETEA OA Carryover	0	\$54	\$54
2. Regional Planning	0	\$23	\$23
3. Regional Operations	0	\$84	\$84
4. Freeway Performance Initiative	\$74	\$31	\$105
5. Climate Initiatives	0	\$80	\$80
6. Regional Bicycle Program	\$8	\$19	\$27
7. Transportation for Livable Communities	\$0	\$85	\$85
8. Transit Capital Rehabilitation*	\$0	\$0	\$0
9. Regional Streets and Roads Rehabilitation	\$0	\$100	\$100
10. Strategic Investments	\$31	\$9	\$40
TOTAL Commitments			\$ 598

*This program will be funded in Cycle 2 to align with the time period when needs occur.

1. SAFETEA Obligation Authority (OA) Carryover (\$54 million)

This obligation to payback OA owed to other regions in the State results in corresponding fund capacity reductions to the overall New Act program. As the MTC region enters the New Act with a negative carryover of \$54 million, it remains uncertain how soon this OA payback would be requested by Caltrans, depending on OA used by other regions in the State. It is noteworthy, that MTC's ability to obligate quickly in the earlier years could be viewed as beneficial by Caltrans, allowing later payback of OA. In any event, it is prudent to anticipate payback during Cycle 1.

2. Regional Planning Activities (\$23 million—potentially up to \$27 million)

This program provides funding to the nine county Congestion Management Agencies (CMAs), the Association of Bay Area Governments (ABAG), the San Francisco Bay Area Conservation and Development Commission (BCDC), and MTC to support regional planning activities. The

\$23 million funding level reflects the Transportation 2035 commitment level by escalating at 4% per year from the base amount in FY 2008-09. In addition, it is proposed that the nine county CMAs will have the ability to use up to 4% of their respective block grants to supplement their planning revenues (\$4 million which would be deducted from the STP/CMAQ allocated to the Regional Bicycle, TLC, and Regional Streets and Roads programs, managed by the CMAs.) These additional funds will be programmed for CMA planning activities and deductions made to the other programs once the CMAs make a request to MTC. (See Appendix A-3)

2. Regional Operations (\$84 million)

This program includes projects which are administered at the regional level by MTC, and includes funding to continue regional operations programs for TransLink®, 511, and Incident Management. In response to the elimination of STA funding to the Regional Operations Programs, an increment of \$2.5 million has been added, as compared to Transportation 2035 assumptions for MTC project staff costs through FY 2012-13. Funding for this purpose in Cycle 2 will depend on the State of California fiscal situation. The program category is broken down into the following projects with their respective Cycle 1 grant amounts (rounded to nearest million dollars):

◆ TransLink®	\$29 million
◆ 511	\$34 million
◆ Regional Marketing	\$ 2 million
◆ Incident Management	\$18 million

4. Freeway Performance Initiative (\$105 million)

This program builds on the proven success of recent ramp metering projects that have achieved significant delay reduction on Bay Area freeways at a fraction of the cost of traditional highway widening projects. Eight metering projects are proposed, targeting high congestion corridors. These projects, listed in Appendix A-4, also include Traffic Operations System elements to better manage the system. MTC staff has been working with Caltrans and the CMAs to develop this system management program to provide sustainable and reliable congestion relief. MTC will perform overall program oversight and are currently pursuing innovative project delivery options, including design-build. This category includes \$1.9 million per year, for a total of \$5.7 million for performance monitoring activities, regional performance initiatives implementation and Regional Signal Timing Program.

5. Climate Initiatives (\$80 million)

The Cycle 1 program has four primary elements: 1) Public Education / Outreach; 2) Safe Routes to Schools; 3) Innovative Grants; and 4) Climate Action Program Evaluation. Within the total program amount, \$3 million is also proposed to fund CMAQ eligible projects in Eastern Solano County per an agreement that covers the Sacramento Air Basin. The table below presents the program components and grant amounts, followed by program descriptions:

Cycle 1 Climate Initiatives Program Components and Funding (million \$)		
Program Components	Cycle 1 Program	%
	80	100%
Eastern Solano CMAQ	3	
Public Education / Outreach	10	13%
Safe Routes to Schools	17	23%
Innovative Grants	31	
SFgo*	15	60%
Climate Action Program Evaluation	4	5%
Total	80	100%

*Assumes SFgo partly funded in first cycle (\$15M) and partly in second cycle (\$5M)

Eastern Solano CMAQ Program (\$3 million): These CMAQ funds come to MTC by way of the Sacramento Metropolitan Air Quality Management District's air basin which overlaps with the MTC region in Eastern Solano County. The Solano Transportation Authority will select projects in consultation with MTC and the Sacramento Air District per the existing memorandum of understanding.

Public Education / Outreach (\$10 million): The objective of this program is to develop a regional campaign to reduce greenhouse gas emissions, influence the public to make transportation choices to reduce these emissions, and evaluate the effectiveness of strategies used. The following specific tasks are included:

- Launch a branded, Bay Area climate campaign in 2011;
- Develop tools to encourage smart driving or other emission reduction strategies; and
- Support school and youth programs to train the next generation.

This program will be further developed by MTC staff in cooperation with the Bay Area Air Quality Management District.

Safe Routes to Schools (\$17 million): This element further implements Safe Routes to Schools (SR2S) programs region-wide with the overall goal of significantly reducing emissions related to school-related travel. It also increases the ability of Bay Area jurisdictions to compete for state and federal SR2S infrastructure grants. Within the SR2S program, \$15 million is distributed among the nine Bay Area counties based on K-12 school enrollment. An additional \$2 million would be available on a competitive basis to one or more counties to expand implementation of creative school-related emission reduction strategies and to determine their effectiveness and potential replication throughout the Bay Area. Appendix A-5 details the county distribution.

Innovative Grant Program (\$46 million - \$31 million competitive and \$15 million for SFgo): The purpose of Innovative Grant Program is to fund a smaller number of higher-cost/higher-impact/innovative projects on a broader geographic scale (i.e., citywide or countywide). The Innovative Grant Program would achieve two basic objectives:

- Test the effectiveness of three strategies that have high potential for reducing emissions, but have not been sufficiently tested for replication on a larger scale throughout the Bay Area. Included in this category are: 1) Parking management/innovative pricing policies; 2)

Acceleration of efforts to shift to cleaner, low GHG vehicles; and 3) Transportation demand management strategies.

- Generate more Bay Area innovation and engage local communities by funding up to five major transportation-related projects that expand or combine strategies to measurably reduce emissions and showcase results at specific locations to increase understanding about whether these strategies result in cost-effective emission reduction and, if successful, how the results could be replicated elsewhere. Included in this category are: 1) Initiatives defined in locally-adopted Climate Action Plans or plan equivalent; or 2) Expansion of other innovative ideas that have yet to be fully evaluated as to their cost-effectiveness

This program is regionally competitive, giving higher priority to projects that are located in priority development areas (PDAs) and projects that offer contributions from other sources to leverage the CMAQ investment and build partnerships. The process for soliciting projects includes regional workshops, an abbreviated request for interest, and a more involved request for project proposals from projects deemed most promising from the request for interest review.

The staff proposal continues to include \$20 million for the SFgo project as a component of the Climate Initiatives Program but recommends that the funding be split over the two cycles (\$15 million in Cycle 1 and \$5 million in Cycle 2) to provide more funding for the competitive innovative grant program. Should additional “anticipated” revenues become available, staff proposes to accelerate the remaining \$5 million for SFGo. Further, if SFgo receives \$5 million in other discretionary funding during Cycle 1, \$5 million will revert to the Innovative Grant program. SFgo would support implementation of one of the region's Small Starts priorities - Van Ness Avenue BRT -- by upgrading the network communications infrastructure to install transit signal priority. The SFgo project includes traffic signal controllers linked by fiber-optic interconnect conduit and related communications systems to enable transit signal priority and optimize signal timings on Van Ness Muni routes and vehicles on crossing routes.

Climate Action Program Evaluation: The evaluation element is intended to serve a twofold purpose: 1) provide additional data for ongoing evaluation efforts that estimate project/program greenhouse gas emission impacts, including co-benefits for other criteria pollutants; and 2) assess the overall effectiveness of projects and programs funded by the Climate Action Program, including public education/outreach, SR2S, and innovative grants.

While the Safe Routes to Transit (SR2T) program is not currently being recommended as a stand-alone program element, staff recommends that a focused assessment and marketing program be conducted for the RM2-funded SR2T program during Cycle 1. Staff intends to work closely with the East Bay Bicycle Coalition and TransForm to design a SR2T evaluation and marketing program that evaluates selected in-progress and approved future projects and promotes the benefits and availability of selected existing projects and projects currently under development.

6. Regional Bicycle Program (\$27 million)

Under Transportation 2035, these funds will be applied to completing the remaining unconstructed projects on the 2,100 mile Regional Bikeway Network in the MTC region. This includes completion of all on-street and grade separated bicycle and pedestrian paths in every

county. While the program does not specifically include pedestrian projects, shared use paths benefit both cyclists and pedestrians. The proposed distribution of \$19.5 million to the counties is based on a hybrid formula consisting of 50% population, 25% bikeway network capital cost, and 25% unbuilt bikeway network miles. The distribution also includes a partial payback to counties that did not receive their population share under the regionally competitive Regional Bicycle and Pedestrian Program during SAFETEA with the remaining half of the payback proposed in Cycle 2. The \$7.5 million in Transportation Enhancement portion of this program is subject to 2010 State Transportation Improvement Program rules. (See Appendix A-6 for fund distribution)

7. Transportation for Livable Communities (TLC) (\$85 million)

\$85 million is provided in Cycle 1 to allow for a TLC pilot program to launch a new approach based on discussions with our partners and stakeholders. In September, the Planning Committee approved several elements for the next TLC funding cycle including (1) the use of TLC funds to incentivize development in Priority Development Areas, (2) the size of TLC grants, (3) a menu of eligible program categories, including streetscapes (current program eligibility), as well as several new categories: non-transportation infrastructure, transportation demand management, and density incentives such as land banking or site assembly, and (4) split between the regional (2/3) and local (1/3) funding. TLC program funding will also support the Station Area Planning Grant program. The guidelines for the regional TLC program are included in the memorandum approved by the Commission in September 2009. (See Appendix A-7 for fund distribution)

8. Transit Capital Rehabilitation Shortfall (\$0)

This program would not receive New Act funding until Cycle 2 (\$125 million). This is supported by an assessment of 10-year needs and revenues showing that Federal Transit Administration formula funds exceed capped needs through FY2013. Consequently New Act funding needs will occur during Cycle 2 to address transit capital shortfalls in the region as identified in Transportation 2035. The program objective, as in the past, is to assist transit operators to fund major fleet replacements, fixed guideway rehabilitation and other high-scoring capital needs that cannot be accommodated within the Transit Capital Priorities program.

9. Regional Streets and Roads Rehabilitation (\$100 million): This program addresses rehabilitation shortfalls on the regional local streets and roads network. The program category amount includes \$15 million for Federal Aid Secondary commitments direct to counties; \$6 million for the Pavement Management Program (PMP) and Pavement Technical Assistance Program (PTAP). The balance of \$65 million will be distributed to local jurisdictions by the CMAs to fund streets and roads rehabilitation projects. Details of these three program components follow:

- Federal Aid Secondary (FAS) Program Set-Aside: With the passage of ISTEA and the dissolution of the Federal Aid Secondary (FAS) program, California statutes guarantee the continuation of minimum funding to counties, guaranteeing their prior FAS shares. This entire six-year minimum requirement will be addressed upfront in Cycle 1. The funding will be programmed directly to the respective counties. (See Attachment B for fund distribution)
- PTAP provides grants to local jurisdictions to perform regular inspections of their local streets and roads networks and to update their pavement management systems, which is a

requirement to receive certain funding. PMP implements various data collection and analysis efforts including local roads needs assessments and inventory surveys, asset management analysis, training, and research and development of pavement and non-pavement preservation management techniques. These efforts feed into a number of the region's planning and asset management efforts

- **Local Streets and Roads Shortfall Program:** Funding is distributed down to a jurisdiction level using the formula previously agreed to by the Bay Area Partnership to fund streets and roads rehabilitation needs on the federal-aid system. Each of the formula factors are weighted 25 percent and the latest calculations available will be used to determine proportional shares. Funding for street and road rehabilitation will be distributed by an approved formula that uses jurisdictions' proportionate share of the region's population, lane mileage, Metropolitan Transportation System (MTS) funding shortfall and preventive maintenance performance score. (See Appendix A-8 for fund distribution.) In the case of Santa Clara County additional flexibility shall be given with respect to the distribution formula. Specifically, the CMA needs to work with the County of Santa Clara in distributing the Local Streets and Roads Shortfall Program funds to account for the Santa Clara County expressway system.

10. Strategic Investments (\$40 million): Three projects are included under this category. The first two build on the momentum and meet the investment priorities of the Corridor Mobility and Trade Corridor programs. The third restores of partial funding to transit programs and projects that lost funding as a result of state and federal funding cuts, carrying through prior Commission commitments. A brief description of each project as well as the proposed funding amount is included below:

- *Corridor Mobility (Santa Clara Interstate 280 to Interstate 880 Direct Connector - \$32 million):* This project will provide a direct freeway connector and interchange improvements to improve traffic operations, safety, and access. This project had been a candidate for Proposition 1B funding, and is now proposed as a strategic investment. This project's funding is subject to the availability of funding in the CMIA and RTIP programs as a result of the ARRA backfill; and the project must meet the delivery deadlines associated with these fund sources.
- *Trade Corridor (Richmond Rail Connector - \$8 million):* The Richmond Rail Connector is a rail connection between the BNSF Railroad's Stockton Subdivision and Union Pacific Railroad's Martinez Subdivision near San Pablo, CA, just north of Richmond, CA. BNSF and UP, as well as the Capitol Corridor and Amtrak, all operate on the Martinez Subdivision. This project is needed to accommodate and better serve both current and future freight and passenger rail traffic on the Martinez Subdivision rail corridor while reducing the impacts on the local community. The proposed rail connector would eliminate the need for a number of long BNSF trains to continue to travel through downtown Richmond, thereby reducing traffic delays at local grade crossings, as well as vehicle emissions and noise impacts affecting Richmond residents. The \$8 million is conditioned on BNSF securing the balance of the project funds. The estimated project cost is approximately \$35 million, with 50 percent of the project costs coming from the state Proposition 1B Trade Corridors Improvement Fund (TCIF) program, and additional funds coming from BNSF Railroad. The project must

meet all criteria of TCIF program, including a minimum 1:1 match of the TCIF funds. MTC's funds will augment the local match amount contributed to or secured by BNSF for the project to leverage the TCIF funds.

- *MTC Resolution 3814 Transit Payback Commitment (\$0; \$31M in Cycle 2):* As part of the Transit Policy established in June 2007, in conjunction with Proposition 1B funding, MTC committed \$62 million in future spillover revenues for Lifeline, Small Operators, SamTrans Right-of-way Settlement, and two capital projects – BART to Warm Springs and eBART. Given the proposal to suspend funding to transit for five years, MTC is proposing to meet roughly half of this 10-year commitment through a combination of distributions to-date and the proposed cycle programming. However, the proposal would fully fund the Lifeline and Small Operator commitment while delaying any funding to the two capital projects. The table below provides the proposed distribution:

STA Spillover Funding Agreement Per Resolution 3814 PROPOSITION 1B TRANSIT FUNDING PROGRAM -- POPULATION BASED SPILLOVER DISTRIBUTION						
Apportionment Category	MTC Resolution 3814 Original Schedule	%	FY 2007-08 Spillover Distribution	Unfunded Commitment	Proposed for Funding	Remaining Commitment
Lifeline	\$ 10,000,000	16%	\$ 1,028,413	\$ 8,971,587	\$ 8,971,587	\$ -
Small Operators / North Counties	\$ 3,000,000	5%	\$ 308,524	\$ 2,691,476	\$ 2,691,476	\$ -
BART to Warm Springs	\$ 3,000,000	5%	\$ 308,524	\$ 2,691,476	\$ -	\$ 2,691,476
eBART	\$ 3,000,000	5%	\$ 308,524	\$ 2,691,476	\$ -	\$ 2,691,476
Samtrans	\$ 43,000,000	69%	\$ 4,422,174	\$ 38,577,826	\$ 19,288,913	\$ 19,288,913
Total	\$ 62,000,000	100%	\$ 6,376,158	\$ 55,623,842	\$ 30,951,976	\$ 24,671,865

Should spillover return, the spillover funds could meet this obligation and staff would revisit the need for this pay back commitment. Also, in light of critical financial issues that SamTrans is facing, MTC would program SamTrans' amount as the first priority in Cycle 2, and commit to make this money available to SamTrans in the first year of Cycle 2 (FY 2012-13).

PROGRAM MANAGEMENT AND THE CONGESTION MANAGEMENT AGENCY BLOCK GRANT

Program management responsibilities will generally be split between MTC and the congestion management agencies (CMAs) as outlined in table below. MTC management role is limited to program areas of regional scope or with a network impact. Congestion management agencies would manage programs with a local/community focus.

Program Administration

Transportation 2035 Core Programs	Manager	Block Grant
Freeway Performance Initiative (FPI) and the Regional Signal Timing Program.	MTC, Caltrans and CMAs	
Climate Initiatives (Public Outreach/ Innovative Grants/ Evaluation)	MTC and Bay Area Air Quality Management District	
Climate Initiatives – Safe Routes to School	County – TBD and MTC regional coordination and assistance	
Regional Bicycle Program	CMAs	Yes
Climate Initiatives—Eastern Solano CMAQ	Solano Transportation Authority	
TLC – Regional	MTC	
TLC – County	CMAs	Yes
Regional Streets and Roads Rehabilitation	CMAs	Yes
Transit Capital Rehabilitation	MTC	

Further, for core programs managed by the CMAs, MTC will be making funding available to the CMAs by means of a “PDA block grant” to allow more flexibility and more strategic project selection. The block grant will encompass the Regional Bicycle Program, County TLC Program, and the Local Streets and Roads Shortfall Program. Appendix A-9 presents an overview of the funding made available to the CMAs under their block grants. The block grant program will function as follows:

- **CMA Block Grant Strategic Plan:** By April 1, 2010, CMAs are asked to submit a Strategic Plan to MTC outlining their approach for programming their block grants. This Plan should include:
 - Amount of funds for CMA planning purposes and rationale behind any flexing of program amounts within the Block Grant Programs (beyond the 20% noted above). Examples might include flexibility to deliver on a complete streets approach or deliver investments that better support PDAs. This would be submitted to the Commission for approval.
 - The approach used to select Local Streets and Roads Shortfall Program projects, if it differs from the MTC distribution formula.
 - Federal Funding Minimums: Unique circumstances or hardships may allow for modifications to this policy, which need to be discussed with MTC staff beforehand and included in the plan. Also for the Local Streets and Roads Shortfall Program, in order to balance the objectives of streamlining federal fund expenditures through project minimums and the requirement that CMAs should adhere to the distribution formula down to the jurisdiction level, CMAs may propose to defer some jurisdiction programming to Cycle 2 or to use local funds.
 - Safe Routes to Schools Program (SR2S) recommended county approach, including lead agency for project selection and federal funding recipient, and any

request for additional funding to expand implementation of creative school-related emission reduction strategies. MTC will coordinate the SR2S program, including reviewed and approval of county programs by the Commission. The CMAs are requested to provide assistance in the development of objectives and the definition of agency roles for this program within their respective jurisdictions. These will vary throughout the region and even within a county. There are various lead agencies for current Safe Routes to School programs including bicycle and regional coalitions, departments of health, congestion management agencies, offices of education, and cities. As part of the CMA Block Grant Strategic Plan, the CMA would identify the lead agency for plan implementation, the allocation of funds to specific implementation actions, performance targets, and plan for sustaining the SR2S program beyond the allocation of CMAQ funds.

- Complete Streets: A CMA should explore giving priority to funding projects that demonstrate a “complete streets” design approach by including pedestrian and/or bicycle projects in the project scope.
 - Priority Development Area: The CMA should discuss its consideration of priority development areas and policies in its project selection approach.
- **Planning Activities:** Up to 4% may be used by CMAs for planning activities to be applied proportionately to all Block Grant programs within the county. Contract amendments to the Regional Planning agreements in March/April to capture any augmentations.
 - **Flex provision:** Up to 20% of each program’s funds may be flexed from one Block Grant program to fund another in order to recognize practical project delivery considerations and unique county priorities. CMAs can request flexibility beyond the 20% through their Strategic Plan for consideration by the Commission. Staff will provide a report on the flex provision of Cycle 1 for consideration by the Commission before programming Cycle 2.
 - **Minimum Grant Size:** STP/CMAQ grants per project cannot be programmed for less than \$500,000 for counties with a population over 1 million (Alameda, Contra Costa, and Santa Clara counties) and \$250,000 for counties with a population under 1 million (Marin, Napa, San Francisco, San Mateo, Solano, and Sonoma counties). CMAs may request exceptions through the strategic plan process, especially when balancing the objective of using the Local Streets and Road distribution formula. The objective of this requirement is to minimize the number of federal-aid projects, which place administrative burdens on project sponsors, MTC and Federal Highway Administration staff.
 - **Unified Call for Projects:** CMAs are requested to issue one unified call for projects addressing all of their respective Block Grant programs in early 2010. Final project list is due to MTC by July 30, 2010. Goal is to reduce staff resources, coordinate all programs to respond to larger multi-modal projects, and give project sponsors the maximum time to deliver projects.

- **Project Delivery Deadlines:** CMAs must program their block grant funds over a two-year period with 50 percent programmed in FY 2010-11 and 50 percent in FY 2011-12. Expectation would be that LSR program would use capacity of the earlier year to provide more time for delivery challenges of RBP and TLC programs, but this is not a requirement. The funding is subject to the provisions of the Regional Project Delivery Policy (MTC Resolution 3606) including the Request For Authorization (RFA) submittal deadline of February 1 and the obligation deadline of April 30 of the year the funds are programmed in the TIP.

PROGRAM SCHEDULE

Cycle 1 spans apportionments over three fiscal years: FY 2009-10, FY 2010-11, and FY 2011-12. Programming in the first year will generally be for the on-going regional operations and regional planning activities which can be delivered immediately, allowing the region to meet the obligation deadlines for use of FY 2009-10 funds. This strategy, at the same time, provides several months during FY 2009-10 for program managers to select projects and for MTC to program projects into the TIP to be obligated during the remaining second and third years of the Cycle 1 period.

As a starting point, core programs' STP/CMAQ funds will need to be programmed in the TIP and delivered (obligated), 50% of their funds in each of the FY 2010-11 and FY 2011-12 years. However, a program may deviate from this 50-50 percent split, depending on whether other program funding needs can be offset accordingly. Within their block grant programs, CMAs has this flexibility. Subsequently, MTC staff will work all program managers to develop a cash flow plan based on these needs prior to the start of Federal Fiscal year 2010-11 (July 30, 2010). Ultimately, all Cycle 1 projects must be delivered (funds obligated) by April 30, 2012.

PROJECT LIST

Attachment B of Resolution 3925 contains the list of projects to be programmed under the New Surface Transportation Authorization Act, STP/CMAQ Cycle 1 Program. MTC staff will update the attachment to reflect Commission actions to revise the TIP, which address the addition of projects to the TIP, or subsequent project revisions.

INSERT
Appendix -1 and
Appendices A-3 thru A-9
[A-2 starts on next page]

See
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RES-3925_Attach-A_Appendices 12-02-09.xls**

Appendix A-2: Cycle 1 Program and Policies Summary

PROGRAM	Eligible Projects	Level of Project Solicitation (How to Apply for funding)	Timing of Project Solicitations/ Programming	Cycle 1 Funding *
Regional Planning	Planning and programming support activities	MTC to develop funding agreements with the CMAs, BCDC and ABAG outlining the use of funds.	N/A	\$23 million
Regional Operations	This program category aims to manage the regional transportation system to improve the transportation system for users through traffic management, traveler information efforts, and transit service improvements.	MTC will program these projects directly into the TIP.	N/A	\$84 million
Freeway Performance Initiative	Ramp metering projects on the State Highway system, targeting high congestion corridors.	Projects selected in consultation with Caltrans. See Appendix A-4	N/A	\$105 million
Climate Initiative	The Cycle 1 program has four primary elements: 1) Public Education / Outreach; 2) Safe Routes to Schools; 3) Innovative Grants; and 4) Climate Action Program Evaluation. Within the total program amount, \$3 million is also proposed to fund CMAQ eligible projects in Eastern Solano County per an agreement that covers the Sacramento Air Basin.	Public Education/Outreach to be developed in cooperation with the Air District. SR2S will be developed with the CMAs. Remaining elements are regionally competitive E. Solano CMAQ Projects – CMA will solicit projects and subsequently submit an approved list of projects to MTC for final approval into the TIP.	First half of 2010	\$80 million
Regional Bicycle Program	Funding will be directed to projects that complete the Regional Bikeway Network. Projects are required to demonstrate a mode shift to bicycling and provide access to regional destinations, connections and routes.	The CMAs will select projects for the County RBP Program and subsequently submit an approved list of projects to MTC for final approval into the TIP. \$7.5M TE will be funded through the 2010 STIP.	First half of 2010	\$27 million (\$7.5M of this amount is STIP funding)

*Funding does not include anticipated funds.

PROGRAM	Eligible Projects	Level of Project Solicitation (How to Apply for funding)	Timing of Project Solicitations/ Programming	Cycle 1 Funding*
Transportation for Livable Communities (TLC)	Regional TLC Program Station Area Planning Grant Program (SAP) County TLC Program	MTC will solicit projects and program into the TIP CMAs will select projects for the County TLC Program and subsequently submit an approved list of projects to MTC for final approval into the TIP	First Call: Winter 2010; Future call TBD SAP call: Summer 2010 First half of 2010	\$85 million
Transit Capital Rehabilitation	This program addresses transit capital shortfalls in the region as identified in Transportation 2035.	To be determined during the development of Cycle 2.	Specific projects to be determined during Cycle 2.	\$0; needs occur during Cycle 2
Regional Streets and Roads Rehabilitation	\$6 million of this program will be used towards the continuation of the Pavement Technical Assistance Program (PTAP) Local roadway (pavement or non-pavement) rehabilitation projects on the Federal-Aid System (MTS)	MTC will conduct call for projects for PTAP funding. Counties will program FAS set-aside directly into the TIP. CMAs will solicit projects using the remaining balance, select projects, and subsequently submit an approved list of projects to MTC for final approval into the TIP.	Annual grant cycle First half of 2010	\$100 million
Strategic Investments	<ul style="list-style-type: none"> Corridor Mobility (Santa Clara Interstate 280 to Interstate 880 Direct Connector - \$32 million): Trade Corridor (Richmond Rail Connector - \$8 million) 	N/A	N/A	\$40 million
Total Cycle 1 Program:				\$544 million

*Funding does not include anticipated funds.